

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|                                      |   |                       |
|--------------------------------------|---|-----------------------|
| LOIDY TANG, individually             | ) |                       |
| and on behalf of a class,            | ) | 11 C 2109             |
|                                      | ) |                       |
| Plaintiff,                           | ) | Chief Judge Holderman |
|                                      | ) |                       |
| v.                                   | ) | Magistrate Schenkier  |
|                                      | ) |                       |
| MEDICAL RECOVERY SPECIALISTS,        | ) |                       |
| LLC, d/b/a MRS, d/b/a MRSI and d/b/a | ) |                       |
| MEDICAL RECOVERY SPECIALISTS, INC.,  | ) |                       |
|                                      | ) |                       |
| Defendant.                           | ) |                       |

**PLAINTIFF'S MOTION FOR  
ENTRY OF DEFAULT**

NOW COMES Plaintiff Lody Tang ("Plaintiff") by and through her counsel, and requests this Honorable Court pursuant to Rule 55(a) to enter a default against Defendant for its failure to timely answer Plaintiff's Complaint by July 21, 2011, as so Ordered by this Court. (Doc. 25).

In support of this application Plaintiffs state as follows:

1. On July 7, 2011, this Court denied Defendant's motion to dismiss and entered an Order requiring Defendant to file its answer to Plaintiff's complaint by July 21, 2011. (Doc. 25).
2. Rule 55(a) provides that, "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default." FED. R. CIV. P. 55(a); *FTC v. 120194 Canada, Ltd.*, 04 C 7204, 2007 U.S. Dist. LEXIS 12657 \* 24-25 (N.D. Ill. Feb. 12, 2007); *See also Pentony v. Valparaiso Dep't of Parks & Rec.*, 2:09-CV-363-JVB-PRC, 2010 U.S. Dist. LEXIS 9500 \* 4 (N.D. Ind. Feb. 2, 2010).

3. “Although Rule 55(a) . . . refers to entry of default by the clerk, it is well-established that a default also may be entered by the court.” *Breuer Elec. Mfg. Co. v. Toronado Sys. of Am., Inc.*, 687 F.2d 182, 185 (7th Cir. 1982).

WHEREFORE, Plaintiffs requests this Court pursuant to Rule 55(a) to enter a default against Defendant.

Respectfully submitted,

s/ Curtis C. Warner  
Curtis C. Warner

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